

U.S. District Court
United States District Court for the District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:16-cv-00025-RNC

Linde et al v. Fifth Street Asset Management, Inc. et al
Assigned to: Judge Robert N. Chatigny
Cause: 15:77 Securities Fraud

Date Filed: 01/07/2016
Date Terminated: 02/25/2016
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Ronald K. Linde
Individually and On Behalf of All Others
Similarly Situated

represented by **Jonathan P. Whitcomb**
Diserio Martin O'Connor & Castiglioni, LLP
One Atlantic Street
Stamford, CT 06901
203-358-0800 x3332
Email: jwhitcomb@dmoc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Maxine H. Linde
Individually and On Behalf of All Others
Similarly Situated

represented by **Jonathan P. Whitcomb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ronald and Maxine Linde Foundation
Individually and On Behalf of All Others
Similarly Situated

represented by **Jonathan P. Whitcomb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Fifth Street Asset Management, Inc.

represented by **Andrew M. Zeitlin**
Shipman & Goodwin
300 Atlantic St.
Stamford, CT 06901-3522
203-324-8100
Email: azeitlin@goodwin.com
ATTORNEY TO BE NOTICED

Defendant

Leonard M. Tannenbaum

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Bernard D. Berman

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alexander C. Frank

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steven M. Noreika

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Wayne Cooper

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mark J. Gordon

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thomas L. Harrison

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank C. Meyer

represented by **Andrew M. Zeitlin**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Kieran Duffy

represented by **Sean K. Collins**
Sean K. Collins, Attorney at Law
184 High Street
Boston, MA 02110
617-320-8485
Fax: 617-227-2843
Email: sean@neinsurancelaw.com
ATTORNEY TO BE NOTICED

Movant

Susan Duffy

represented by **Sean K. Collins**
(See above for address)
ATTORNEY TO BE NOTICED

Movant**Howard Greenspan**represented by **David C. Shufrin**

Hurwitz Sagarin Slossberg & Knuff LLC

147 North Broad St., PO Box 112

Milford, CT 06460-0112

203-877-8000

Fax: 203-878-9800

Email: dshufrin@hssklaw.com

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number 0205-3854232.), filed by The Ronald and Maxine Linde Foundation, Maxine H Linde, Ronald K Linde.(Whitcomb, Jonathan) (Entered: 01/07/2016)
01/07/2016	<u>1</u>	Judge Robert N. Chatigny added. (Oliver, T.) (Entered: 01/07/2016)
01/07/2016	<u>2</u>	NOTICE by Maxine H. Linde, Ronald K. Linde, Ronald and Maxine Linde Foundation re <u>1</u> Complaint (<i>Civil Cover Sheet</i>) (Whitcomb, Jonathan) (Entered: 01/07/2016)
01/07/2016	<u>3</u>	Order on Pretrial Deadlines: Amended Pleadings due by 3/7/2016. Discovery due by 7/8/2016. Signed by Clerk on 1/7/16. (Sundie, T) (Entered: 01/08/2016)
01/07/2016	<u>4</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Robert N. Chatigny on 1/7/16. (Attachments: # <u>1</u> E-File Attachment)(Sundie, T) (Entered: 01/08/2016)
01/07/2016	<u>5</u>	STANDING PROTECTIVE ORDER Signed by Judge Robert N. Chatigny on 1/7/16. (Sundie, T) (Entered: 01/08/2016)
01/08/2016	<u>6</u>	NOTICE TO COUNSEL: Counsel initiating or removing this action is responsible for serving all parties with attached documents and copies of <u>1</u> Complaint filed by Ronald and Maxine Linde Foundation, Ronald K. Linde, Maxine H. Linde, <u>2</u> Notice (Other) filed by Ronald and Maxine Linde Foundation, Ronald K. Linde, Maxine H. Linde, <u>3</u> Order on Pretrial Deadlines, <u>4</u> Electronic Filing Order, <u>5</u> Protective Order. Signed by Clerk on 1/8/16. (Sundie, T) (Entered: 01/08/2016)
01/21/2016	<u>7</u>	NOTICE of Appearance by Andrew M. Zeitlin on behalf of Fifth Street Asset Management, Inc. (Zeitlin, Andrew) (Entered: 01/21/2016)
01/21/2016	<u>8</u>	Corporate Disclosure Statement by Fifth Street Asset Management, Inc.. (Zeitlin, Andrew) (Entered: 01/21/2016)
02/10/2016	<u>9</u>	NOTICE of Appearance by Andrew M. Zeitlin on behalf of Bernard D. Berman, Wayne Cooper, Fifth Street Asset Management, Inc., Alexander C. Frank, Mark J. Gordon, Thomas L. Harrison, Frank C. Meyer, Steven M. Noreika, Leonard M. Tannenbaum (Zeitlin, Andrew) (Entered: 02/10/2016)
02/10/2016	<u>10</u>	Joint MOTION an Order deferring all Defendants' responses to the Complaint re <u>1</u> Complaint by Bernard D. Berman, Wayne Cooper, Fifth Street Asset Management, Inc., Alexander C. Frank, Mark J. Gordon, Thomas L. Harrison, Frank C. Meyer, Steven M. Noreika, Leonard M. Tannenbaum.Responses due by 3/2/2016 (Zeitlin, Andrew) (Entered: 02/10/2016)

02/10/2016	<u>11</u>	MOTION to Transfer to Another District <i>Unopposed Motion to Transfer Venue to Southern District of New York</i> by Fifth Street Asset Management, Inc.. (Zeitlin, Andrew) (Entered: 02/10/2016)
02/10/2016	<u>12</u>	Memorandum in Support re <u>11</u> MOTION to Transfer to Another District <i>Unopposed Motion to Transfer Venue to Southern District of New York</i> filed by Fifth Street Asset Management, Inc.. (Zeitlin, Andrew) (Entered: 02/10/2016)
02/10/2016	<u>13</u>	AFFIDAVIT re <u>11</u> MOTION to Transfer to Another District <i>Unopposed Motion to Transfer Venue to Southern District of New York</i> Signed By Jonathan E. Richman filed by Fifth Street Asset Management, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18)(Zeitlin, Andrew) (Entered: 02/10/2016)
02/25/2016	<u>I</u>	ORDER granting <u>11</u> Motion to Transfer to Another District. Defendant Fifth Street Asset Management, Inc. has moved to transfer this case to the Southern District of New York. The transfer is supported by the individual defendants and is not opposed by plaintiffs. <u>See</u> ECF No. 13 at 1–2. The relevant statute provides that a court may transfer a civil action "[f]or the convenience of parties and witnesses, in the interest of justice...to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). Transfer of an action can promote the interest of justice by facilitating "consolidation with other cases arising from the same conduct." <u>Wilson v. DirectBuy, Inc.</u> , 821 F. Supp. 2d 510, 520 (D. Conn. 2011). Here, transfer is in the interest of justice to avoid duplicative proceedings and inconsistent results because there are similar cases involving the same conduct pending in the Southern District of New York. Accordingly, the motion is hereby granted, and the Clerk is requested to transfer this case to the United States District Court for the Southern District of New York. So ordered. Signed by Judge Robert N. Chatigny on 2/25/16. (Samuels, J) (Entered: 02/25/2016)
02/25/2016	<u>I</u>	JUDICIAL PROCEEDINGS SURVEY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link: https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey (Glynn, T.) (Entered: 02/25/2016)
03/04/2016	<u>14</u>	ORDER denying as moot <u>10</u> Motion in light of the Court's Order of February 25, 2016, granting the motion to transfer to another district. Signed by Judge Robert N. Chatigny on 3/4/16. (Samuels, J) (Entered: 03/04/2016)
03/07/2016	<u>15</u>	MOTION to Appoint Counsel <i>and Appoint Lead Plaintiff</i> by Kieran Duffy, Susan Duffy. (Attachments: # <u>1</u> Text of Proposed Order)(Collins, Sean) (Entered: 03/07/2016)
03/07/2016	<u>16</u>	Memorandum in Support re <u>15</u> MOTION to Appoint Counsel <i>and Appoint Lead Plaintiff</i> filed by Kieran Duffy, Susan Duffy. (Collins, Sean) (Entered: 03/07/2016)
03/07/2016	<u>17</u>	AFFIDAVIT re <u>15</u> MOTION to Appoint Counsel <i>and Appoint Lead Plaintiff</i> Signed By Sean K. Collins filed by Kieran Duffy, Susan Duffy. (Attachments: # <u>1</u> Exhibit A – Press Release, # <u>2</u> Exhibit B – Movant Certifications, # <u>3</u> Exhibit C – Loss Chart, # <u>4</u> Exhibit D – Firm Resume)(Collins, Sean) (Entered: 03/07/2016)

03/07/2016	<u>18</u>	MOTION to Appoint Counsel <i>Notice of Motion and Motion of Howard Greenspan for Appointment as Lead Plaintiff and Approval of Selection of Counsel</i> by Howard Greenspan. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of David C. Shufrin, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Text of Proposed Order)(Shufrin, David) (Entered: 03/07/2016)
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